

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL No. 2327
THIS DOCUMENT RELATES TO ALL CASES	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

ETHICON’S MOTION TO EXTEND RESPONSE DATE BY SIX DAYS

Comes now Ethicon, Inc., and files “Ethicon’s Motion to Extend Response Date by Six Days”, pursuant to LR Civ P 7.1.

1. Plaintiffs filed “Plaintiffs’ Steering Committee’s Motion and Incorporated Memorandum of Law in Support of Motion to Compel Responses to Plaintiffs’ First Set of Interrogatories and First Set of Requests for Production from Defendant Ethicon, Inc.” on May 9, 2013.

2. Ethicon’s Response is due tomorrow, May 28, 2013.

3. Prior to the filing of this Motion, defense counsel engaged in an extensive meet and confer regarding some of the issues that are the subject of Plaintiffs’ Motion in an attempt to resolve those issues without court intervention. This meet and confer process started prior to the filing of Plaintiffs’ Motion, continued after the filing of Plaintiffs’ Motion, and was on-going as late as Sunday, May 26, 2013.

4. Defense counsel most recently negotiating this issue with the Plaintiffs was William Gage. Defense counsel was hopeful that the parties would be able to resolve the issues encompassed within Plaintiffs’ Motion without court intervention.

5. On May 26, 2013, Mr. Gage requested an extension of the due date for Ethicon's response from Plaintiffs' counsel due to the fact that the parties continued to negotiate these issues and that he and other members of the Ethicon team were on vacation and would not be in the office at the time a response was due (if needed).

6. On May 26, 2013, at 1:20:53 p.m. CDT, counsel for the Plaintiffs, Mr. Aylstock, informed Mr. Gage by e-mail that the Plaintiffs would not agree to any compromise on this issue. Counsel for Ethicon further understood Mr. Aylstock's response to mean that the Plaintiffs would not agree to extend Ethicon's response date to Plaintiffs' Motion.

7. Due to the fact that this communication came as a surprise to defense counsel, was communicated over a Holiday weekend, and that Ethicon's response will be due on the first business day following this Holiday weekend at a time when counsel responsible for handling the issue are on vacation with their families, Ethicon requests an extension of six days so that the due date for its response will be June 3, 2013. Other counsel for Ethicon have been working on Ethicon's response and that work has continued every day of this Holiday weekend. However, given the nature of the issues involved as well as the travel schedules mentioned above, the requested extension is to aid in the preparation of a proper response and is not for the purpose of delay.

8. As stated above, it is counsel for Ethicon's understanding that Plaintiffs oppose this request for an extension of the date that Ethicon's response is due, and thus, Ethicon has complied with LR Civ P 37.1 by attempting (unsuccessfully) to resolve this issue through agreement and without court intervention.

Respectfully submitted,

ETHICON, INC. AND
JOHNSON & JOHNSON

/s/ Philip J. Combs

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CERTIFICATE OF SERVICE

I, Philip J. Combs, certify that on May 27, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ Philip J. Combs

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